

### Notice of Allowability

Application No.

09/321,633

Examiner

Brian R. Gordon

Applicant(s)

KENNEY, JAMES W.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-12-2003.
2. ☒ The allowed claim(s) is/are 15-17,23-27,30 and 35-42.
3. ☒ The drawings filed on 21 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Allowable Subject Matter***

2. Claims 15-17, 23-27, 30, and 35-42 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach nor fairly suggest the inventions of the independent claims 15, 23, 30, 35, and 38 as given herein below:

15. (previously amended): A pipette gun and holster apparatus having a remote source of positive and negative air pressure, said apparatus comprising:

- a) a pipette gun having an external, flexible conduit connecting said gun to said remote air pressure source, said gun including:
  - i) a housing having a hand grip portion and a barrel portion oriented transverse to said hand grip portion;
  - ii) a pipette connector fixed to and oriented transverse to said barrel portion;
  - iii) an internal conduit connected to said external flexible conduit and said pipette connector;
  - iv) a valve intermediate said internal conduit which selectively regulates the flow of either positive air pressure or negative air pressure through said internal conduit to said pipette connector;
  - v) a positive air flow trigger and a negative air flow trigger connected to said valve;
- b) a gun holster which supports said gun above a work table with said pipette

connector oriented downwardly, said holster including:

- i) a base;
- ii) means for fastening said base to a vertical wall;
- iii) a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs,

said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through said prongs and inserting said pipette connector into said socket through the top,

including a first switch proximate said socket, said switch regulating said remote air source.

23. (previously amended): A holster for supporting a pipette gun on a vertical surface above or proximate a table top, said pipette gun having a negative and positive air pressure source, pipette connector and a pipette attached to said connector, said holster comprising:

- a) a base;
- b) means for fastening said base to a vertical wall;
- c) a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs, said socket removably holding the gun with the pipette connector oriented downwardly by passing the pipette through said prongs and inserting the pipette connector into said socket through the top, including a first switch proximate said socket, said first switch deactivating said air source when the pipette gun is parked in said holster and energizing said air source when the pipette gun is removed from said holster.

30. (currently amended): A method of metering fluid using a pipette gun, comprising the steps of:

a) providing a pipette gun having a remote air pressure source and holster assembly, said holster having a base, means for fastening said base to a vertical surface, a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs,

said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through the prongs and inserting said pipette connector into said socket through the top so that said pipette connector engages said socket;

b) removably fastening said holster to a vertical surface next to or proximate a horizontal work table top;

c) parking the pipette gun in the holster above the work table with said pipette connector and pipette oriented downwardly out of contact with the table top;

d) removing said pipette gun from said holster and metering fluid with said gun, and,

e) automatically inactivating said external air pressure source when said pipette gun is parked in said holster and automatically activating said external air pressure source when said pipette gun is removed from said holster.

35. (previously amended): A pipette gun and holster apparatus having a remote source of positive and negative air pressure, said apparatus comprising:

- a) a pipette gun having an external, flexible conduit connecting said gun to said remote air pressure source, said gun including:
  - i) a housing having a hand grip portion and a barrel portion oriented transverse to said hand grip portion;
  - ii) a pipette connector fixed to and oriented transverse to said barrel portion;
  - iii) an internal conduit connected to said external flexible conduit and said pipette connector;
  - iv) a valve intermediate said internal conduit which selectively regulates the flow of either positive air pressure or negative air pressure through said internal conduit to said pipette connector;
  - v) a positive air flow trigger and a negative air flow trigger connected to said valve;
- b) a gun holster which supports said gun above a work table with said pipette connector oriented downwardly, said holster including:
  - i) a base;
  - ii) means for fastening said base to a vertical wall;
  - iii) a mounting bracket fixed to and extending transverse to said base, said bracket having a bottomless socket which removably holds said gun by inserting said pipette connector into said socket, including a first switch proximate said socket, said switch regulating the flow of power to said remote air source.

38. (previously amended): A holster for supporting a pipette gun on a vertical surface above or proximate a table top, said pipette gun having a negative and positive air pressure source, pipette connector and a pipette attached to said connector, said holster comprising:

- a) a base;
- b) means for fastening said base to a vertical wall;
- c) a mounting bracket fixed to and extending transverse to said base, said bracket having a bottomless socket which removably holds said gun by inserting said pipette connector into said socket, wherein said holster supports said gun above a work table with said pipette connector oriented downwardly, including a first switch proximate said socket, said first switch deactivating said air source when the pipette gun is parked in said holster and energizing said air source when the pipette gun is removed from said holster.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is (703) 305-0399. The examiner can normally be reached on M-F, with 2nd and 4th F off.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 703-308-4037. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

brg

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700